# ORDERS in CHANCERY, In two Parts;

VVhereof the First containeth a perfect *Table* of the Ordinance for the Regulating and limiting of the Jurisdiction of the High Court of *Chancery*.

In the Second are expressed such *Fees* as may bee lawfully taken in *Chancery*.

*Alphabetically digested under apt Titles.*

Whereunto is also annexed an exact *Table* of Titles, whereby any material claus in the said First part may bee readily discovered.

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*LONDON:*

Printed by W. D. and are to bee sold by *Roger Wingate* at the Golden Hand in *Chancery-lane* 1656.

# ORDERS IN CHANCERY;

## The First Part.

*Wherein is contained*, A perfect Table *of the Ordinance for the Regulating and limiting of the Jurisdiction of the High Court of* Chancery.

### *Affidavit.*

EVery Attornie shall keep all and every *Affidavits*, whereupon hee shall make forth any Writ or process in his own Custody, and shall shew the same to the Attorny of the other side, and suffer him or any other person to take a Copy thereof, if hee shall require it: And the senior Register shall

appoint a Clerk of honesty and integrity to attend in Court, and at the Rolls, and at Seals, who shall take an Oath before the Chancellor, Keeper, or Commissioners for the Great Seal, to bee faithfull in this Imployment; and shall receiv into his Custody all and every *Assidavit*, which shall bee read in Court, or upon which any Order shall bee grounded, and shall duely file the same, and keep an Alphabet thereof: And in case the party, at whose instance such *Assidavit* was made, shall have caus to have a Copy thereof, hee shall pay unto the Clerk for the same, four pence for the filing, and three pence for every side, for a Copy thereof; and the other side or any other person desiring it, may also have a Copy at the same rate; And the Register shall have for examining and signing such Copy, six pence, and no more, *Claus* 38.

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## *Answer.*

1. Where a Defendant might answer by Commission in the Country, hee shall not now bee enforced to take a Commission, but without taking any Commissi-

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on may Anſwer upon oath before a Maiſter of the Chancery, in like manner and by like time, as if a Commiſſion had iſſued: And the Commiſſioners for the Great Seal ſhall take care, that, for that purpoſe, there bee in every County a convenient number of ſuch of the Juſtices of the Peace reſident in that County, as they ſhall judge to bee of the greateſt ability and integrity, appointed to bee Maſters of the Chancery extraordinary; And that ſuch Maſter or any Maſter in Ordinary, after the Anſwer ſo ſworn before him, ſhall ſign the ſame, and give it into Court himſelf, or otherwiſe being ſealed up, to deliver it to ſom perſon to deliver the ſame into the Court, and to make oath, that hee did receiv the ſame from the hand of ſuch Maſter of the Chancery, and that ſince the receiving thereof the ſame hath not been opened or altered, *Cl.* 8.

2. If a defendant doth appear and anſwer inſufficiently, and it bee ſo ruled; or ſhall plead and demur, and the ſuit be over-ruled; then, if upon a Rule given hee ſhall not anſwer within eight dayes, the Plaintif may proceed in ſuch ſort as is directed in caſe

the Defendant had not appeared. *Clauſ* 13. ſee *Attachment*.

## *Attachment.*

1. IN default of appearance upon oath made of due ſervice, or in default of an anſwer within the due time (ſecurity beeing put in as is hereafter provided) attachment with proclamation ſhall iſſue to the Sherif, who ſhall cauſe the ſame to bee proclaimed at the door of the Defendant's dwelling houſe, lodging, or laſt abode, between the hours of ten in the forenoon, and two in the afternoon, by bailiffs to bee nominated by the Sheriff, or by ſpecial Bailiffs (which ſhall not bee denied, if required) and the ſaid Bailiffs ſhall have power for the apprehenſion of the partie (if need ſhall be) to break open any houſ or door, where the partie is, in the day time: Provided, that if the warrant bee to ſpecial Bailiffs, they ſhall not break open any houſe or door, but in the preſence of a Conſtable, who upon the ſhewing of ſuch Warrant is hereby required to bee aſſiſting unto the ſaid Bailiffs therein: And if the defendant cannot bee ap-

apprehended, nor ſhall apear by the return of the Writ, the plaintif may renew the Attachment, as often as there ſhall bee cauſ, which attachment ſhall bee in lieu of a Commiſſion of Rebellion and Serjeant at Armes. *Claus. 6.*

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## *Attorney.*

1. THere ſhall bee a certain number of Attornies in Chancery, not exceeding threeſcore, who ſhall bee nominated by the Maiſter of the Rolls, out of ſuch of the Clerks in the ſix Clerks Office of the *Chancery*, or others, as ſhall bee of ability and honeſty (and from time to time in caſe of Death or removal to bee ſupplied by his nomination) who beeing approved by the Lords Commiſſioners, ſhall bee by them ſworn Attornies in the ſaid Court, and ſhall receive the three ſhillings four pence, *Termly fee*, which formerly the ſix Clerks received, and ſhall ſolicite and manage each Client's cauſ without receiving any more for their pains of ſolicitation, than the ſaid Fee of *three ſhillings four pence. Cl.* 1.

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2. The Attornies ſhall diligently attend in Court, and give an account touching any proceedings in any cauſ depending in Court, as they ſhall bee required. 25.

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## *Chancellour.*

1. THe Lord Chancellour, Lord Keeper, Lords Commiſſioners of the Great Seal, Maſter of the Rolls, nor any other of the ſaid Court ſhall either directly or indirectly take or receiv any ſum or ſums of money, gratuity, or reward, for nominating or admitting of any perſon or perſons to any office or place within his or their diſpoſition in the ſaid Court, upon pain of looſing his office, & paying double the ſum or value of the gratuity or reward ſo received; The one Moity thereof to the uſe of his Highneſs the L. Protector, and the other moity to the uſe of the Party, who ſhall ſue for the ſame, by Bill, Plaint, or information in any Court of Record. 67.

2. The Chancellour, Keeper, or Commiſſioners of the Great Seal for the time beeing, ſhall (according to the times, and in-

in the manner by the ſaid Ordinance preſcribed) put in execution all the Rules, Laws, Orders, and Directions in the ſaid Ordinance mentioned; And take care with all diligence and circumſpection, that all the Officers, Miniſters, Clerks, and ſervants belonging to the ſaid Court do honeſtly and faithfully perform the duty of their ſeveral and reſpective places; And if they bee found any waies faulty, that they bee publickly rebuked, diſplaced, or otherwiſe puniſhed according to their deſert, that for the future there bee no more cauſ of juſt complaints from the people *Cl.* 68.

## *Clerks.*

1. IN ſtead of ſix Clerks in *Chancery* there ſhall bee the three chief Clerks, and no more: And that *Lawrence Maidwell*, *Mathew Pindar*, and *Robert Hales*, Eſquires, ſhall bee the three firſt Chief Clerks; and that in caſe of death or removal of any of them, the ſaid chief Clerks ſhall bee nominated from time to time by the Maſter of of the Rolls, and approved by the Lord Chancellor, Lord Keeper, or Lords Com-

miſſioners for the time beeing; And that the perſons before named to bee the preſent chief Clerks, and ſuch as ſhall hereafter bee named and approved as aforeſaid, being admitted in ſuch manner as the ſix Clerks formerly uſed to have been, ſhall do, execute, and perform all and every matter and thing which the ſix Clerks heretofore might or ought to have done, except intermedling with any cauſas Attornies; & that no other perſon or perſons ſhall uſe or exerciſe the office of a ſix Clerk in *Chancery*; And that the Maſter of the Rolls do take care, that all the pleadings, papers, books, proceedings, and all other things belonging to, or filed in the ſeveral offices of the ſix Clerks bee diſpoſed of, and filed in three offices there; And that the Attornies aforeſaid ſhall bee diſtributed equally unto the ſaid three Offices. 2.

2. That all Bills, Anſwers, Pleadings, &c. ſhall bee filed with the Clerk, in whoſe office the Attorney towards the cauſ for the Plaintif is; And that each of the chief Clerks ſhall have an inſpection into the demeanour of the Attornies in his office, that they do their duties, both to the Court and to the Client; And where they ſhall finde

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any abuſe, miſdemeanour, or unfaithfulneſs in any of them, ſuch chief Clerk ſhall acquaint the Court therewith, who ſhall examine the ſame, and give reparation to the partie wronged, and if they ſee cauſ diſcharge ſuch Attorny from his place. 3.

3. The chief Clerks ſhall diligently attend in Court, and give an account touching any proceedings in any cauſ depending in Court, as they ſhall bee required. 25.

4. The chief Clerks ſhall have and receiv one moity of the fees for Coppying, and for all other matters and things contained in the Table hereunto annexed, ſuch and ſo much of the fees therein ſet down proportionably (with reſpect to the ſame as they are by the ſaid Table reduced) as the ſix Clerks formerly did or might receiv. 26.

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## *Copies.*

1. NO Copies ſhall bee given out of any Bill, Anſwer, or other Pleadings, untill the ſame ſhall bee filed with the chief

Clerk; And each of the ſaid chief Clerks, where ſuch Pleadings ſhall bee filed, ſhall by himſelf and ſuch Clerk as hee ſhall appoint (for whom hee is to anſwer) upon delivery out of ſuch pleading to bee copied, take the name of the Attorny to whom it is delivered, ſubſcribed in a book to bee kept for that purpoſe; And if any Attorny, to whom any pleading is delivered to bee filed, ſhall neglect to file the ſame, or after filing, if the Attorny, to whom any pleading is delivered to bee copied, ſhall neglect to bring back the ſame in due time, if the ſame bee through negligence or not voluntary, hee ſhall make ſatisfaction to the party damnified thereby, as the chief Clerks for the time being (upon examination thereof) ſhall award; But if upon ſuch examination it ſhall bee found, that the ſame was don voluntarily, hee ſhall not only make ſatisfaction as aforeſaid, but ſhall bee expelled the Court, *Clauſ* 11.

## *Coſts.*

1. WHere any bill ſhall bee diſmiſſed by the rules of the Court, or order before hearing, the Defendant ſhall have

have his full coſts, upon a bill of coſts to bee allowed by the chief Clerks 60.

2. Every Plaintif, who ſhall not in all or ſom of the matters complained off, bee relieved by the Court upon the hearing, ſhall pay the Defendant his full coſts upon a bill of coſts to bee allowed by the chief Clerks, or any two of them; And in caſe the Court upon the hearing ſhall finde the ſuit to have been vexatious, the Court ſhall give additionall Coſts againſt the Plaintif, to bee pronounced by the Court at the hearing, beſides the ſaid Coſts to bee taxed upon the Bill. 61.

3. Every Defendant, againſt whom a decree is made, ſhall pay the Plaintif his full coſts to bee allowed, as aforeſaid; unleſs the Court ſhall at the ſaid hearing ſee cauſ to mitigate or diſcharge the ſame upon ſom ſpecial reaſon to bee expreſſed in the order. 62.

## *Decree.*

1. IF any finde him or themſelvs aggrieved by any decree which ſhall bee made in *Chancery*, The party or parties ſo aggrieved,

first performing the decree in all points (except his doing such Acts, which extinguisheth the parties right at the Common Law, as making of an Assurance, Releas, acknowledging satisfaction, cancelling bonds or evidences, or the like) And depositing the sum of Fifty pounds in the hands of the senior Register for the time beeing, to answer full costs and charges in travel, attendance, and otherwise to the adverse partie, in case such person bee not relieved upon a petition to bee exhibited in that behalf to the Lord Chancellor, Lord Keeper, or Lords Cõmissioners for the Great seal for the time being, within three months after the Decree made, having first performed so much of the decree as within that time is to be performed, shall have the cause reheard upon the proofs & evidence given at the former hearing, & no other; And upon preferring of such petition in open Court, the Chancellor, Lord Keeper, or Lords Commissioners, beeing first satisfied that the Decree is performed, as aforesaid, and the fifty pounds deposited, shall the next day after under their or two of their hands subscribed to the said Petition, signifie their allowance of a re-hearing of the said cause, and shall send notice thereof

of together with the ſaid petition to the Courts of the Upper Bench, Common Pleas, or Court of Exchequer; whereupon the ſaid Courts ſhall appoint ſix of the Judges, that is to ſay, two of each Court, (of which ſix Judges the chief Juſtice of one of the Benches, or chief Baron of the Court of Exchequer ſhall bee one) and ſhall ſignifie the ſame to the Lord Chancellor, Lord Keeper, or Lords Commiſſioners, who together with the ſaid Judges, ſhall appoint a day for ſuch re-hearing, at which time the ſaid ſix Judges or the major number of them ſhall bee preſent: And the ſaid Lord Chancellor, Lord Keeper, or Lords Commiſſioners, together with the ſaid Judges, or the major part of them, ſhall re-hear the ſaid cauſ upon the proofs and evidence read and given at the ſaid former hearing, and no other, and ſhall have power to make void, alter, or confirm the Order or Decree made upon the former hearing, as they or the major part of them ſhall think fit; And ſuch order as ſhall bee ſo by them made, ſhall bee final in the ſaid cauſ. And in caſe they ſhall not ſee cauſ to alter the Order or Decree made upon the former hearing, then they ſhall order to the Adverſ

partie

partie his full coſts upon a Bill thereof to bee made and allowed by the chief Clerks together with ſuch addition of coſts for his cauſleſs vexation, as they ſhall think fit: Provided, that if the Decree bee for payment of money, the payment of money into the Court, ſhall bee accounted a performance of the Decree ſo far as to enable the partie to have a re-hearing, as aforeſaid. 63.

## *Examination of Witneſſes.*

1. UPon delivering in the anſwer, the Attorney for the Defendant ſhall take care, that hee bee provided with names of perſons for Commiſſioners to be given by him upon a Rule given to rejoin. 9.

2. After an Anſwer, if it ſhall appear at any time to the Court, that no part of the Matter of the Plaintif's Bill is then proper for relief in that Court, the Court ſhall diſmiſs the bill with full coſts, upon a bill to bee allowed by the chief Clerks: but if ſom particular part of the bill bee thought fit by the Court to bee proceeded in, the Court then ſhall direct the examination and

and proceedings upon that particular point, and the defendant not bee inforced to preceed to examination upon any other matter. 14.

3. The Plaintif the next after the replication, or the ſame day, if hee will, ſhall cauſ a rule to bee entred for the Defendant to rejoyn, and joyn in commiſſion; which if the Defendant ſhall not do within eight dayes, then the Plaintif may take a commiſſion *ex parte*, and the Defendant ſhall have no new commiſſion in that caſe. *Cl.* 15.

4. No witneſs ſhall bee examined in Court, but by one of the examiners themſelvs, unleſs in caſe of ſickneſs, and one of the examiners ſhall examine the witneſſes of the Plaintif's part, and the other the witneſſes of the Defendant's part, if any bee produced to bee examined in Court; And no Clerk in that Office ſhall bee a Solicitor upon pain of loſing his Place. 16.

5. All Commiſſions for examination of witneſſes ſhall bee open. 17.

6. A Commiſſion to examine wineſſes

may bee iſſued out to be executed at any place as well within ten miles of the City of *London*, as beyond it, if the party pleaſ. 18.

7. The Commiſſioners for examination of witneſſes ſhall take on oath before execution of any commiſſion, to execute the ſame faithfully and impartially, which each commiſſioner is impowred to adminiſter to the other; And the Clerk or Clerks attending ſuch Commiſſioners ſhall take an oath, which is to bee adminiſtred by the Commiſſioners, to write down the depoſitions of the witneſſes truly and indifferently without partiality; & a clauſ ſhall be inſerted into the Commiſſion for that purpoſe. 19.

8. The Plaintif having the carriage of the Commiſſion, ſhall at his peril appoint a day & place for execution thereof at leaſt 8 daies before the return of the commiſſion, & give due notice thereof (unleſs in caſe where the day and place ſhlal be agreed by the Attornies on both ſides, before the Commiſſion go forth and ſhall (at the day and place appointed) produce the commiſſion, and deliver the ſame to the commiſſioners then preſent, to the end they may execute the ſame; Or in default thereof the Plaintif ſhall

ſhall bee abſolutely concluded from having any other Commiſſion, or examining any more witneſſes in that cauſ; But in ſuch caſe the Defendant ſhall bee at liberty to take out the then next term, one Commiſſion or more into ſeveral counties (if hee ſee cauſ) wherein the Plaintif may joyn, but ſhall not examine: Neverthelefs, to prevent delay, the Defendant (if hee pleaſ) may take out a Duplicate, when any Commiſſion is ſued out to examine witneſſes; And if the Plaintif ſhall not give due notice to execute his Commiſſion, eight dayes before the return of the Commiſſion, The Defendant may execute his duplicate at any time before the return, giving notice of the time and place, where, he intend's to execute the ſame, one day at leaſt before the execution thereof. 20.

9 That there ſhall bee no more than two Commiſſions at the moſt for examination of wineſſes in any one cauſ to bee executed in *England* or *Wales*, unleſs where one ſhall bee ſuppreſſed; and in caſe either partie have any witneſſes in *Scotland*, or beyond the Seas to examine, ſetting down the names of ſuch witneſſes, and delivering the Attorny on the other ſide, he may take

out a commiſſion within the time before limited, wherein the adverſ party may join, if hee will, within four dayes after notice; Otherwiſe the Commiſſion ſhall iſſue *ex parte*: Provided, that the parties or either of them (if the Court ſee cauſ) may have ſeveral commiſſions into ſeveral Counties of the ſame date. 21.

10. After the execution of one commiſſion no ſecond commiſſion ſhall bee taken out, but by order of the Court, and upon *Affidavit*, that ſom material witneſſes, whoſe names ſhall bee therein expreſſed, have been diſcovered ſince the execution of the former commiſſion; or that ſom of the witneſſes intended to bee examined at that cõmiſſion, & which are material, could not bee found; or by reaſon of ſickneſs, or the like cauſ could not attend that cõmiſſion; In which caſe only thoſe witneſſes who ſhall be named ſhall be examined by ſuch ſecond commiſſion; And the ſame ſhall iſſue and bee executed at the charge of the party praying the ſame, unleſs the other ſide ſhall alſo deſire to examine any witneſſes by any ſuch ſecond commiſſion; And then hee ſhall likewiſe ſet down their names. 22.

11. After

11. After the return of a Commiſſion executed, or witneſſes examined in Court, there ſhall bee but one Rule for publication; within which time if the other ſide do not ſhew unto the Court good cauſ to the contrary, Publication ſhall paſs accordingly. 23.

## *Exceptions.*

1. IF the Plaintif think fit to except to the Anſwer for inſufficiency, the Plaintif ſhall deliver the exceptions in writing to the Defendants Attorney within eight dayes after the anſwer filed, and ſhall enter the cauſ with the Regiſter, and in the ſame order as they are entred, the ſame ſhall bee heard by the Maſter of the Rolls, who ſhall appoint one or more dayes in every week for that purpoſe, and at every ſitting ſhall appoint his next day of ſitting, and how many of the Cauſes ſhall bee then heard upon exceptions, in the ſame order as they are entred, on which dayes the parties ſhall attend at their peril. And the Maſter of the Rolls upon hearing thereof ſhall give ſuch coſts as ſhall bee fitting. 12.

## *Hearing of Cauſes.*

1. ALl cauſes ſhall bee ſet down for hearing, in order as they were publiſhed, without preferring one cauſ before another, and ſhall bee ſo preſented by the chief Clerks without taking any fee for the ſame; And the cauſes being ſo ſet down, ſhall bee heard in the ſame order *Cl.* 40.

2. Every cauſ ſhall bee heard the ſame day, on which it is ſet down for hearing; And for that purpoſe the Lords Commiſſioners, if there bee cauſ, ſhall ſit for hearing ſuch cauſes in the afternoon as well as the forenoon, except upon Saturdaies. 41.

3. All cauſes ſhall bee heard the next Term after publication; or if they bee more in number then may probably bee heard that Term, they ſhall bee ſet down on certain daies next after the Term, and attended and heard upon thoſe daies, as if they had been ſet down for that Term: And *ſnb pœnaes* to hear Judgment ſhall bee made returnable upon ſuch reſpective daies accordingly. 42.

## *Injunction.*

1. NO Injunction ſhall bee granted, but upon motion in open Court, ſatisfying the Court with ſuch Matter, which may induce the Court in juſtice to grant Injunction; But the Defendants taking a Commiſſion, or ſitting an Attachment only, ſhall not bee a ſufficient ground for an Injunction. 27.

2. No Injunction ſhall bee granted before the hearing of the cauſe, to ſtay a ſuit at Law, but upon matter confeſſed in the Defendant's Anſwer, matter of Record, or in writing undet hand and ſeal produced in Court. 28.

3. No Injunction granted after a Plea pleaded at law, or Rules given, ſhall ſtop a trial at law, or any pleadings or proceedings prepararory to a trial. 29.

4. No Injunction ſhall bee granted to ſtay the mortgagee from his ſuit at law, till the final hearing of the cauſ; but an injunction may be granted to prevent the Morgager's pulling down houſes, cutting trees, or making

king other waſte and ſpoil upon the morgaged lands. 30.

## *Irregularities in Proceedings.*

1. ALl differences touching Irregularities in Proceedings, and upon the Rules or courſ of the Court, ſhall bee determined by the chief Clerks, or any two of them, when the Attornies on both ſides are to attend; and in caſe either ſide ſhall not reſt ſatisfied with their Judgment therein, they may appeal to the Maſter of the Rolls, who, upon hearing the Attornies on both ſides (and the chief Clerks who made the Certificate) if hee ſee cauſ, ſhall ſettle the ſame, and give coſts, where hee ſhall finde the fault. 31.

## *Maſter of the Rolls.*

1. THe Maſter of the Rolls, and Maſters of the *Chancery* reſpectively ſhall not demand, take, or receiv any other fees than what are contained in the Table annexed; And every offence in that behalf ſhall bee and

and is hereby adjudged and declared to bee extortion, and ſhall bee puniſhed as extortion. 65.

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## *Miſinforming the Court.*

1. IF any Counſel ſhall miſinform the Court of any matter contained in the pleadings, proofs, or evidence, whereof hee may have the peruſal, or of any other matter, whereof his Client did not inform him, and thereupon obtain an order, which the Court ſhall afterwards ſee cauſ to diſcharg; the Counſel ſo Miſinforming, ſhall bee reprehended openly in Court, and before hee ſhall bee heard in any Court, ſhall pay forty ſhillings to the party wronged by ſuch Miſinformation, and twenty ſhillings to the uſe of the L. Protector. 36.

2. But if ſuch Miſinformation bee of matter of fact, whereof the Court cannot bee otherwiſe certified, than by the information of his Client, in ſuch caſe the Client, Attorney, or Solicitor, who gave ſuch information, ſhall pay forty ſhillings unto the party wronged, and ſhall ſtand Com-

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mitted by order of the Court till hee pay the ſame. 37.

## Orders.

1. NO order or direction concerning any cauſ depending in Chancery ſhall bee made or given, but upon motion in open Court; that then both parties concerned, or their Counſel, may bee heard. 24.

## Paupers.

1. THe former Rules of the Court for admiſſion of *Paupers* ſhall bee duely obſerved, and in ſuch caſes where (by the Rules aforeſaid) coſts are to bee paid, in caſe the partie who ought to pay the ſame bee a *Pauper*, the Court ſhall give order, that (unleſs the coſts bee paid) ſuch perſon ſhall bee whipped or ſent to the houſ of Correction. 39.

Pri-

## *Priviledg.*

1. NO Defendant, who is profecuted by an Officer, Clerk, or Miniſter of the Court of Chancery, ſhall bee enforced either to appear in perſon in the Petty bag-office, or to put in any other bail then hee ſhould do, if hee were ſued in another Court, at the Common-law, by a party not priviledged. 64.

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## *Recogniſance.*

1. THe Defendant ſhall not bee compelled to anſwer, untill the Plaintif (with one ſurety at leaſt) hath acknowledged a Recogniſance before a Maſter of the Chancery in Ordinary or extraordinary (the ſum not to bee under twenty Marks) conditioned to pay ſuch Coſts to the Defendant in that ſuit, as the Court of Chancery ſhall award, if they ſee cauſ to award any, for which Recogniſance there ſhall bee paid twelv pence only, and no more; And ſuch Maſter of the Chancery ſhall forthwith certifie ſuch Recogniſance into the office of the Petty-bag in Chancery, to

bee there filed, and the officer there shall give a Certificate thereof to the Plaintif, or his Attorny upon requeſt; Aud for the filing of ſuch Recogniſance, making ſuch Certificates & keeping an Alphabet thereof, hee ſhall have and receiv twelv pence and no more; But where the Plaintif ſhall bee admitted in *forma pauperis*, in ſuch ſecurity is to bee required. 7.

## *References.*

1. ALl References (ſaving ſingularities in proceedings) ſhall be determined By the Maſters of the Chancery in Ordinary, who ſhall bee only ſix in number, to bee now and from time to time appointed by the L. Protector for the time beeing; Of which ſix, three ſhall ſit dayly at ſom certain publick place, ſo long as any ſuch References depend, and ſhall have a ſworn Regiſter to attend them, who ſhall in preſence of them and the Counſel read the notes taken in each cauſ upon any order made, or Report agreed; And the ſame being ſo read ſhall bee ſubſcribed by the Maſters then preſent, or any two of them, and

afterwards the Report ſhall bee drawn up by the ſaid Regiſter, and ſubſcribed by the ſame Maſters and certified: and no other perſon or perſons ſhall exerciſe the office of a Maſter of the Chancery in ordinary. 32.

2. For every ſuch Report, the party deſiring the ſame, ſhall pay unto the ſaid Regiſter twelv pence for each ſide of the Report, to bee diſtributed amongſt the three Maſters, before whom ſuch cauſ was heard for which the ſaid Regiſter is to account unto them. 33.

3. For every Order, which the ſaid Maſters ſhall make for new appointments, or ſummons, or of the like nature, the ſaid Regiſter ſhall have only twelv pence, and no more. 34.

4. All referenees made by the Court to the Maſters, ſhall bee ſet down by the Regiſter, who draw's ſuch Order, in a book for publick view, and ſhall bee heard in their order, as they are ſo referred and ſet down, without alteration; Provided, there ſhall bee only eight put in the paper to bee heard

at one time; And both parties are at their peril to attend the ſame at the time, or in default thereof, the cauſe to bee proceeded in, as if they were preſent. 35.

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## *Regiſter.*

1. THe office of Regiſter in Chancery ſhall not hence forth bee executed by Deputies, but there ſhall bee four Regiſters of the ſaid Court. 54.

2. That the ſenior of them ſhall from time to time bee Maſter of the ſaid office, & ſhall have the Care, cuſtody and government of the ſaid office, and of all the books of Entries, Reports, Certificates, *Affidavits*, and other matters filed there, and alſo of the Clerks of the ſaid office; & ſhall take care that the buſineſs in that office bee don with faithfulneſs and diligence, and that no fees bee taken or required, other than what is contained in the Table hereunto annexed. 55.

3. In caſe of death or removal of the ſaid ſenior Regiſter, the next in ſeniority ſhall ſucceed

ſucceed in his room; And as often as any Regiſters place ſhall bee void, the ſenior Regiſter for the time beeing, ſhall make choice of the moſt able and honeſt of the Clerks in that office to ſupply that place, who being preſented to the L. Chancellor, Lord Keeper, or Lords Commiſſioners for the great Seal for the time being, and by him or them approved, ſhall bee ſworn and admittted. 56.

4. Each of the ſaid Regiſters ſhall have and retain to his own uſe, the fees mentioned in the Table annexed, which ſhall bee due for any the matters by him don, bearing his own charge and his proportion of the rent of the ſaid office. 57.

5. The Lord Chancellor, Lord Keeper, or Lords Commiſſioners for the great Seal, ſhall upon complaint to them made concerning any abuſe, miſdemeanors, or unfaithfulneſs in any of the ſaid Regiſters, or their Clerks reſpectively, have power to hear and examine the ſame, and to order reparation to the party wronged, and alſo to diſcharge ſuch Regiſter or Clerk from his place, if they finde juſt cauſ. 58.

6. The

6. The judgement pronounced upon every hearing, and the Rule given on every motion, ſhall bee truely taken and fairly written by the Regiſter, and openly read before another cauſor motion bee begun; to the end if the ſame bee miſtaken, it may be rectified by the Court, and that it bee left to the Regiſter afterwards only to adde the inducement, or reaſon of ſuch judgement or order, and other formalities requiſite. 59.

7. No Regiſter, chief Clerk, Examiner, Attorney of the ſaid Court, or Officer for making *ſub-pœnaes* ſhall either directly or indirectly take or receive any other fees, or ſum of money, than what is contained in the Table annexed, for, or in reſpect of any cauſ depending in the Court of Chancery, Writs, or proceedings therein, Copies of Record, or other thing there filed, regiſtred, or put to the ſeal; And every ſuch offence ſhall bee and is hereby ordained, adjudged, and declared, and ſhall bee reputed and taken to bee extortion, and ſhall bee puniſhed, as extortion; And every perſon and perſons ſo offending and thereof convicted, ſhall bee and is, and are hereby diſabled

abled bear any office of truſt or profit in the Commonlywealth. 66.

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## *Relief.*

1. No Relief ſhall bee given in Chancery againſt a bond (which is only for payment of money) to bee entred into from after the five and twentierh day of March one thouſand ſix hundred fifty five. 43.

2. No truſt or agreement made or declared after the 25 of March 1655. concerning lands or any other thing in the realtie ſhall be relieved in Chancery, unleſs it bee contained in writing, and ſo averred in the Bill; ſave in ſuch caſes where the poſſeſſion hath gon along with the partie claiming the truſt. 44.

3. No bill ſhall bee admitted, nor any relief given in Chancery upon averment of any intention of the parties to a deed (to bee made from and after the 25 of March 1655) other than what doth appear by the deed it ſelf. 45.

4. The Chancery ſhall not give relief in any caſe, where the Plaintif can have relief at Law, unleſs it bee for the performance of the thing in kinde, where it cannot bee had at Law. 46.

5. No decree ſhall bee made in Chancery againſt an Act of Parliament. 47.

6. Legacies ſhall bee ſued for at Common Law, and not in Chancery. 48.

7. After the 25 of March 1655. no relief ſhall bee given in Chancery, on a Mortgage after three years forfeiture, or unleſs the ſuit bee commenced within one year after the entry and poſſeſſion of the Mortgage continued, except upon ſom new agreement between the parties themſelvs in writing, and except in caſes of infancie, Coverture, *non ſane* Memory, or beyond ſeas; In which caſes the perſons concerned ſhall commence their ſuits within two years after the diſability removed, or in default thereof ſhall bee debarred from any relief afterwards; And in caſe of ſuch nere agreement, the like rule to bee obſerved after the time, by ſuch new agreement limited, ſhall bee expired. 49.

8. In

8. In case of Mortgages to bee made after the 25 of March 1655, where the Mortgagee is in possession by recovery at Law, or otherwise; hee shall not (except by special agreement in writing) bee put to accompt for the yearly profits accrued after such his entry before the suit for redemption bee commenced, but the same shall belong to, and bee retained by him without accompt, if by his answer, or at the hearing hee shall elect to take the same in satisfaction of the Interest and his mony, whiles hee had the possession, except the Mortgager shall rather elect to bee concluded by the Mortgager's examinations upon intergatories concerning the profits by him received. 50.

9. Such mortgagee before the Mortgager bee admitted to redeem, shall bee paid his whole principal money with Damages, and his full costs incurred before his entry, and also after his suit commenced, to bee taxed by the chief Clerks upon a bill of Costs, wherein, and in all other cases of Mortgages to bee made from and after the 25 of March 1655, the Mortgaged shall bee charged (in case the Lands bee better to te-

nants) with no more than what hee did, or might fairly have received without fraud, or his own wilfull default; And where the lands are unletten, and kept in his own hands, with no more then four fift parts of the true yearly value: But if after such entry any casual profits by Fines upon Copiholds, woodsales, or otherwise shall bee received by the Mortgagee above the yearly revenue of the lands Mortgaged, then the same shall go in abatement of Principal and Interest due before such entry: Provided that where in the cases aforesaid an accompt shall bee, all lawfull taxes and necessary disbursments, and allowance shall bee allowed to the Mortgagee. 51.

10. Where, upon a bill exhibited by a Mortgagee to enforce redemption, or to have the estate absolute, a Decree passeth, and is signed and enrolled, the time thereby limited for the paiment of the Mortgage mony with damages, shall not bee enlarged without consent of parties in writing. 52.

11. where Lands shall at any time after the 25 of March 1655 bee extended upon any Statute, Recognisance, or Judgment,

and

and an accompt ſought to bee had in Chancery; the Tenant by extent or *Elegit*, ſhall not bee put to accompt for more than the extended value, unleſs the ſuit in Chancery bee commenced within one year after ſuch extent ſhall bee executed, and poſſeſſion delivered, and enjoinment thereupon accordingly; And that the ſame ſuit bee effectually proſecuted, except in caſe of Infancie, coverture, *non ſane memorie*: or beyond the ſeas: In which caſes one year and no more ſhall bee allowed to demand an accompt in Chancery, after ſuch diſability removed. 53.

## *Replication.*

1. WHen an anſwer is put in, the Plaintif ſhall reply within eight dayes, if the anſwer com in in Term time; otherwiſe within four dayes after the begining of the next Term, unleſs the Plaintif ſhall within eight daies after an Anſwer com in, put in exceptions thereunto, or procure the cauſe to bee ſet down for hearing on Bill and Anſwer, to bee heard the next Term: Otherwiſe the cauſ to bee diſmiſſed with-

out motion, with coſts to bee taxed by the chief Clerks. 10.

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## *Subpœna,*

1. THe firſt proceſs in Chancery ſhall bee a *ſubpœna*, which ſhall bee open and as many defendants, as the plaintif ſhall deſire, ſhall bee inſerted into the ſame, paying no more then one ſhilling ſix pence for every *ſubpœna* to bee thus diſtributed, *viz.* ſixpence for the ſeal, and twelv pence to the Officer. 4.

2. No *ſubpœna* ſhall bee ſued out, until a bill bee filed, and a Certificate thereof brought into the *ſubpœna* office under the hand of the chief Clerk or his deputy, for which Certificate the ſaid chief Clerk ſhall return no fee. 5.

# The Second Part.

*Wherein is contained ſuch Fees as may be taken in* CHANCERY.

## *Chief Clerks, and Attornies.*

| | *s.* | *d.* |
|---|---|---|
| TO the Atorny for every cauſe the termly Fee of | 03 | 04 |
| For an Attachment beſides *6 d.* for the Seal | 01 | 02 |
| For Copying of all Bills, Pleadings, Depoſitions, Records, Rolls, Evidences remaining in that Court, Certificates, *&c.* for every ſheet containing fifteen lines, and every line ten words— | 00 | 04 |
| For a Commiſſion to examine witneſſes | 03 | 04 |
| For joyning in Commiſſion | 03 | 04 |
| For an Injunction | 06 | 08 |
| For ſigning of the Lords Commiſſioners | 02 | 00 |
| For ſigning by the Mr of the Rolls- | 01 | 00 |
| For a *diſtringas* | 03 | 04 |
| For a Ipecial *Certiorari* or *procedendo*- | 03 | 04 |

For

| | |
|---|---|
| For an *Habeas Corpus* | 03 04 |
| For a *Superſedeas* | 03 04 |
| For every ſpecial Commiſſion | 05 00 |
| For a Writ of execution of an order | 03 04 |
| For drawing and enrolling every Decree, or diſmiſſion, if but one skin | 16 08 |
| If longer, then afterwards *per* ſheet | 00 06 |
| For a Writ of Execution upon a Decree directed to the Sherif or Coroner | 06 08 |
| For an Exemplification every skin | 03 04 |
| The Chaft wax | 00 04 |
| Signing the Docket | 01 00 |
| For Enrolment of all Patents, Commiſſions, Licences, Pardons, & other Warrants, which paſs the Great Seal, for every skin, after the rate of | 10 00 |
| For every Sherifs Patents, Writ of Aſſiſtance, Writ of diſcharge, *Ded. Poteſt.* and the Attornie's fee | 13 06 |
| For an *Audita Querela* | 10 00 |
| For a *Scire facias* | 02 06 |
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For

| | |
|---|---|
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| For a Liberate, or an Allocate | 04 00 |
| For the Enrollment thereof | 01 08 |
| For Writs of diſcharge of Tenths and fifteens for every of them | 03 04 |
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| For a *Certiorari* of courſe | 01 00 |
| For a *Precedendo* of courſe | 01 00 |

## *Counsel in Chancery.*

| | l. | s. | d. |
|---|---|---|---|
| To every Counsel under the degree of a Serjeant for a motion | 00 | 10 | 00 |
| To such Counsel on the Hearing | 01 | 00 | 00 |
| To the Counsel of the Lord Protector and Serjeants at Law, for every motion | 01 | 00 | 00 |
| And for every Hearing | 02 | 00 | 00 |

## *Examiner.*

| | s. | d. |
|---|---|---|
| For the Examination of every Deponent, Defendant, or Delinquent | 01 | 00 |
| For the Copies of all depositions, and Intergatories, for every sheet containing 15 lines, unwastfully written | 00 | 06 |
| For all Certificats upon Exhibits | 00 | 06 |
| For all other Certificats, whereunto their hands are required | 01 | 00 |
| For the exemplification of Depositions, for every skin | 13 | 04 |

For

| | | |
|---|---|---|
| For the examination of any Copy of Depositions, with the Record, which is to be given in evidence in any other Court | 03 | 04 |
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## *Master of the Rolls.*

| | s. | d. |
|---|---|---|
| For a single Perpetuity | 02 | 00 |
| For a double Perpetuity | 02 | 00 |
| For a Grant for Life, except Wine Licences | 02 | 00 |
| For the Grant of an Office | 02 | 00 |
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| For examining all Records which are to bee exemplified, for every skin of Parchment —— | 02 | 08 | |
| For every Cause upon a Reference to the three Masters, who shall hear the same —— | 01 | 08 | |

## *Register.*

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| For entring a Dismission upon the general order with Costs — | 00 | 06 |

For

| | |
|---|---|
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| The entry of every Commission to hear and determine | 01 00 |
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| The signing of such Copy of any Rule | 00 02 |
| For a note of a day of hearing | 00 04 |

| | |
|---|---|
| For the draught of every order, decree, or dismission, not exceeding one side, and for signing thereof | 01 06 |
| For entry of every such Order —— | 00 03 |
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For

| | |
|---|---|
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To

| | |
|---|---|
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| | |
|---|---|
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